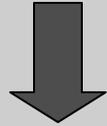


THE PLACER

A Voice of History

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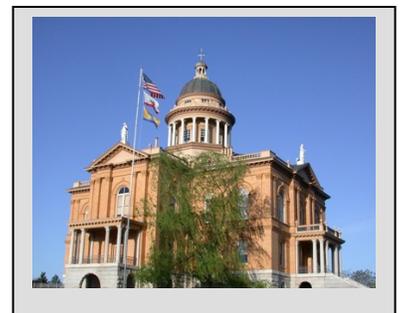
Administrator's Notes

Melanie Barton

The topic of this issue of *The Placer* is *Lawyers and Judges*. At our administrative offices in the Historic Courthouse we are surrounded by the buzz of court activity. One need only walk into the foyer to witness the comings and goings of lawyers, judges, and the people and families they serve. To think that this kind of activity has taken place on this location since 1852 is inspiring. With only a slight leap of my imagination, I can conjure up the vision of Charles Tuttle walking up the hill from Lawyers Row to the steps of the Courthouse.

We have an interesting exhibit in the foyer of the Placer County Museum about the Courthouses of Placer County. I invite you to visit and let your imagination take you back to an earlier period of our town's history. Be sure to take a copy of the brochure "Symbols of Stability". We are open

daily from 10:00 a.m. to 4:00 p.m. To get an even greater insight into the role of the courthouse, lawyers and judges, join a museum docent on a Walking Tour of Old Town Auburn any Saturday morning at 10:00 a.m. They meet in the foyer and the tour takes approximately one hour.♠



Gavels and Briefs: Men of Early Law in Placer County

Carmel Barry-Schweyer

The Gold Rush brought a multitude of young men to Placer County. The bench and bar of the county profited from these brilliant men, who came for the gold but stayed to build our county government.

Hugh Fitzsimmons holds the honor of being the first county judge elected for Placer County and served from 1851 to 1855. He came to Auburn in 1850 and later moved to Foresthill where he practiced law.

Phillip W. Thomas, born in Maryland, practiced law in New York, until coming to California in 1849. He mined until 1850 when he started his practice here and was elected Justice of the Peace. He performed the first marriage in Auburn.

As a result of a political debate in 1854, J.P. Rutland of Placer County, then a clerk in the State Treasurer's office, challenged Thomas to a duel. Thomas declined stating that Rutland was not a gentleman. Dr. Dickson, a Mississippi gentleman, declared that he would stand in for Rutland. Thomas assured Dickson

that Rutland would prove what he said to be true and retracted his challenge. Dr. Dickson declined the retraction. They met in an oak grove nine miles northeast of Sacramento. Dickson was mortally wounded. Thomas was later elected Senator as a Douglass Democrat in 1861 and a Union Democrat 1862. He died in Auburn in 1871 at the age of 51.

Charles A. Tuttle, who practiced law in New York and Wisconsin, arrived in Illinoistown in 1849 to find gold. In July 1852 he tried his first case in California at Stony Bar in before a tribunal of miners. He defended Captain Smith and a group of sailors, all from Scotland. They had built a cabin and mined through the winter. When a company of miners from Ohio arrived in March looking for a claim they posted notices along the river for a meeting to decide whether foreign miners should hold claims. Tuttle volunteered to defend the Scotsmen. The argument was made that some of the U.S. miners present had fought in the Mexican War and said, "we fought for this country and it is ours by right." Although Tuttle argued that it was unjust to force the Scotsmen to abandon their claim, he lost the case.

In 1858, Tuttle opened a law office in Auburn partnering with C.C. Hillyer, also a gold miner who came from the east. Tuttle proved to be a successful lawyer. "Tuttle's legal arguments were considered to be models for other lawyers due to brevity, point, lucidity, and logic. Most accounts said that his mind operated in a logical manner; his arguments so clearly persuasive that no man could refute them." Tuttle served as the Democratic State Senator from Placer County in 1853 through 1855.

In 1863, Governor Leland Stanford appointed Tuttle as Reporter for the State Supreme Court. He continued in this position until 1867 when he resigned. Tuttle ran and served in the Assembly in 1867. He was appointed Reporter for the State Supreme Court again in 1873. During his tenure as reporter he wrote 23 volumes of Code Reports.

Tuttle's political career ended in 1878 with his retirement from the Supreme Court Reporter position. He continued to practice law in Auburn, Sacramento and Oakland and maintained homes in all three locations. He died in June of 1888. Tuttle's office, located in the building known as Lawyers

Row on Commercial Street in Old Town, still stands. Both houses in Oakland and Auburn remain. The house in Auburn is “The Tuttle Mansion” on Reamer Street. Tuttle Street was named for him. The Tuttle Law firm continued for four generations in Auburn and was listed as the second oldest continuing business in the state until the death of Fred P. Tuttle III in 2000.

Benjamin Franklin Myres (not Myers) came to Auburn in 1851 from Virginia. He served as District Court Judge 1859-63 and Superior Court Judge 1880-91. He represented Placer County in the Legislature in 1852 and 1853 and was given military honors by an appointment on Governor Haight’s staff. W.B. Lardner, an attorney, remembered how he handled legal questions, “With his feet elevated on a desk or table, almost sitting on his back, he first would examine the constitution of California, and the codes of the State, and would then conclude with due deliberation what the law in a particular case was—or ought to be. He did not seem to care much for the decisions of the Supreme Court, calling them honest guesses as to what the law was.” The two houses that he built in Auburn still remain. He died in Auburn in 1903.

James Ellery Hale served as judge from 1855 to 1859. He came to Placer County in 1850. He lived in Millertown, Yankee Jims and Auburn. He was considered a “first class lawyer...well read...calm and deliberate.” He did not draw salary until end of term when he received his full salary at one time.

First a Whig, he later became a Republican. In 1863 he was elected to the State Senate and served four years. In 1867 he was appointed reporter to the Supreme Court. He was elected as one of the Presidential electors in 1872 and carried the vote to Washington. He was a member of the constitutional convention of 1880. In 1880 he was a member of the Assembly and aided greatly in the construction of the provisions of the new constitution. He died in 1895.

There are so many young men who contributed to the political history of Placer County that could not be covered in a short article. If you are interested in learning more about our early politics, come to the Placer County Archives and Research Center and we will guide you in your research.♥



Judge B. F. Myres, his daughter Florence Michael, and her two sons Ben and John Leslie



Auburn Courthouse



Museums Intelligence

Placer County Museums News

Ralph Gibson

Placer County Museums would like to welcome two new temporary staff members: Cliff Kennedy and Michelle Langford. Cliff, a docent at the Griffith Quarry Museum in Penryn, works on Sundays with Mary Dillingham in the Courthouse and Mondays in the Collections Management Facility. Michelle is helping us out with the Living History Program on Wednesdays and Tuesdays.

The Living History program has begun for spring 2007. This season, we are expecting 400 more students than last year. There are a couple of new activities this year: butter churning and wheat grinding. But the most important addition to the program is our new outdoor kitchen complete with a reconditioned 1880 woodstove! The new stove, which was called a biscuit oven, will be used to heat water for laundry and to bake biscuits. This is going to be a super year for the Living History program!

In February, the new 4th grade program at the Gold Country Museum was thoroughly tested by three

Placer County classes. The program consists of three stations: an interactive mural that demonstrates the physical changes to the landscape that took place during the Gold Rush, a mystery trunk that reveals the life of Claude Chana, and a gold panning/rock sorting station. The new program will begin this fall and run through the winter.

Also new at the Gold Country Museum is the new tent theater and the installation of four exhibits. Three of the exhibits interpret the three main routes people traveled to California during the Gold Rush. The fourth exhibit focuses on the life of Claude Chana. All four exhibits will be installed in March.

It's been a busier than normal winter, and we've accomplished quite a bit. Please take the time to visit the Gold Country Museum and the Bernhard Museum Complex to see some of changes we've made. Let us know what you think!

Upcoming Community
Education Programs:

*Old Time Radio
Programming*, by Dave and
Linda Breninger on Friday
March 9, 6:00 to 8:00 PM.

*They Saw the Elephant:
Women in the California
Gold Rush*, by JoAnn Levy
on Saturday, April 7,
3:00 – 5:00 PM.♣

Nomination of officers for PCHS for 2007

The nominating committee has nominated the following members to serve as officers of the society for the 2007-08 year:

President: Michael Otten
1st Vice President: George Lay
2nd Vice President: Addah Owens
Secretary: Margie Ballenger
Treasurer: Al Stoll

Board Members (two year terms):
Jean Allender
Bonnie Stokes
Walt Wilson

Immediate Past President:
George Lay

Additional nominations may be made at the annual dinner meeting at 6:30 p.m. Thursday, April 5, at Veterans Memorial Hall, 100 East St., Auburn. The election will follow immediately.

Submitted at the Feb. 1 meeting by the nomination committee of Walt Wilson, Betty Samson, Doris Viera, Barbara Burdick and Barbara Van Riper. If interested in serving on the nomination committee or on the board, please contact Michael Otten or one of the officers.

Placer County Historical Organization News



President's Message

*Michael Otten,
President*

The mere mention of the Hawver Caves evokes the Tom Sawyers, Huckleberry Finns and Becky Thatchers in all of us. We have Mark Twain-type adventures right in our own backyard.

One such adventure will take place on April 5 at our dinner meeting. Addah Owens, our program vice president, has arranged for a special presentation by Gene Lorange, a State Parks Department Environmental Resource Specialist, on the Hawver Caves.

Although across the American River in El Dorado County, the limestone caverns take the names from an Auburn dentist, J.C. Hawver, who began the first real documentation of them a century ago.

Lorange has been overseeing a project that has shed renewed interest over the caves and a history that makes the California Gold Rush pale in the number of years. There are fossil remnants of an extinct saber tooth tiger and four human skeletal remains that are 10,000 years old.

What treasures our spelunker paleontologist doctor discovered and documented with the aid of a rope, candles and early flash photography that cost him the loss of a thumb and finger.

The story of Dr. Hawver was one of many told by PCHS member Bill Wilson, who popularized Placer County history in a lengthy 10-year series of articles in *The Sentinel*. Those stories have been compiled in a book, "Gold & Schemes ...and Unfulfilled Dreams: Stories of Guile, Greed and Great Promises." Look for it at the Auburn Library, Courthouse Gift Shop or Winston Smith Books.

Like now, Dr. Hawver complained then that vandals had invaded and destroyed much of the fossils and records within the caverns carved out by water leaching through the limestone, creating beautifully formed stalactites and stalagmites.

Wilson said that while taking photographs on Oct. 6, 1907, Hawver thought he was using magnesium powder for making flash film exposures of what was in the caverns. Instead, it was an explosive powder.

Wilson wrote that "the dentist's left hand was badly shattered, with the thumb and index finger almost blown away." Wilson said despite the injuries Hawver, then 52, was able to

eventually resume a limited dental practice and went on to become a member of the Auburn Grammar School Board.

Another tragedy occurred in 1911 when his wife died after her dress caught fire while a granddaughter was playing with Christmas candles. The next year, Hawver married Mary Elizabeth Parsons, author of "The Wild Flowers of California." Hawver suffered a fatal heart attack in 1914 while his second wife, a member of the California Academy of Sciences, lived until Dec. 21, 1947. She was 88.

For more of the Hawver Caves story come to the meeting April 5th. Since it is apt to be a sellout, you better make your reservation early by calling Betty Samson at (530) 885-5074.♦

Placer County Historical Society Dinner Meeting

*Addah Owens,
Vice President*

When: April 5, 2007

Time: 6:30 P.M. Dinner, 7:30 P.M. Program

Where: Veteran's Memorial Hall, 100 East St., Auburn, CA

Cost: \$13.00

Menu: BBQ Ribs and Chicken

Mail Check To: PCHS, c/o Betty Samson, 8780 Baxter Grade Rd., Auburn, CA. 95603

Program: The mystery of the Hawver Cave, discovered in 1906, will be told after 30 years by Gene Lorange, a resource specialist with the California State Parks.♣

Placer County Historical Organizations

Colfax Area Historical Society
Myrtle Findley, (530) 346-2450
PO Box 185
Colfax, CA 95713-0185
www.colfaxhistory.org

Foresthill Divide Historical
Society
Walter Reed,
(530) 367-2430
PO Box 1175
Foresthill, CA 95631
www.foresthillhistory.org

Friends of Griffith Quarry
Doug Brown, (916) 663-2781
PO Box 10
Penryn, CA 95663-0326

Golden Drift Historical Society
Doug Ferrier, (530) 389-2617
PO Box 20
Dutch Flat, CA 95714-0020

Historical Advisory Board
Gerda Percival, (530) 889-6500
101 Maple St. Rm. 104
Auburn, CA 95603

Joss House Museum and
Chinese History Center
Charles Allen
PO Box 9126
Auburn, CA 95603
(530) 878-4602

Lincoln Highway Association
Robert Dietrich, (916) 962-1428
P.O. Box 2554
Fair Oaks, CA 95628-2554
www.lincolnhwy.org

Loomis Basin Historical
Society Alice Barnes, (916)
652-7844
PO Box 2195
Loomis, CA 95659-2195
www.ppgn.com

Maidu Interpretive Center
Kristie Stevens,
(916) 774-5934
1960 Johnson Ranch Drive
Roseville, CA 95661
www.roseville.ca.us/indianmuseum

Newcastle Portuguese Hall
Association
Aileen Gage, (530) 885-9113
PO Box 993, 690 Taylor Rd.
Newcastle, CA 95658

Placer County Historical
Society
Michael Otten, (530) 888-7837
PO Box 5643
Auburn, CA 95604
www.placercountyhistoricalsociety.org

Placer County Genealogical
Society
Jerry Unruh, (530) 887-2646
PO Box 7385
Auburn, CA 95604
www.pcgenes.com

Rocklin Historical Society
Carol Powell (916) 435-4604
History Museum
(916) 624-3464
PO Box 752
Rocklin, CA 95677-0752
www.rocklinhistory.org

Roseville Historical Society
(916) 773-3003
557 Lincoln St.
Roseville, CA 95678
www.rosevillehistorical.org

Living History Days

March 1-2; March 7-9; March 12-13; March 15-16; March 19-23;
March 26-30

April 3; April 10-13; April 16; April 18-20; April 23-24; April 26-27; April 30

If you would like to see the Living History Program in action, please stop by the Bernhard Museum on any of the dates above between 10:00 am – 12:00 pm. You will have to park in the upper fairgrounds parking lot.

Calendar of Events

March

- Mar 9th, 6:00 pm** Community Education Program: Old Time Radio Programming. Reservations required. Contact (530) 889-6500.
- Mar 19th, 7:00 pm** Foresthill Divide Historical Society Business Meeting at the Foresthill Divide Museum. Contact (530) 367-2430.
- Mar 19th, 7:00 pm** Rocklin Historical Society Meeting at the Rocklin Library. Contact (916) 624-3464.
- Mar 21st, 6:30 pm** Loomis Basin Historical Society Meeting at the Loomis Library. Contact (916) 652-7844.
- Mar 22nd, 7:00 pm** Placer County Genealogy Society General Meeting in the Beecher Room at the Placer County Library. Contact (530) 887-2646.
- Mar 22nd, 7:30 pm** Auburn Odd Fellows Lodge to hold their 153rd Homecoming Meeting. Reservations required. Contact (530) 885-2311.

April

- Apr 5th, 6:30 pm** Placer County Historical Society Dinner Meeting at the Veteran's Memorial Hall. Cost is \$13 per person. Contact Betty Samson (530) 885-5074.
- Apr 7th, 3:00 pm** Community Education Program: They Saw the Elephant: Women in the California Gold Rush by JoAnn Levy. Reservations Required. Contact: (530) 889-6500.
- Apr 14th, 9:00 am** Birds Nest Basket Class at the Maidu Interpretive Center. Pre-registration is required. Contact: (916) 774-5934.
- Apr 16th, 6:30 pm** Foresthill Divide Historical Society Potluck Meeting at the Foresthill Memorial Hall. Contact (530) 367-2430.
- Apr 16th, 7:00 pm** Rocklin Historical Society Meeting at the Rocklin Library. Contact (916) 624-3464.
- Apr 18th, 6:30 pm** Placer County Historical Advisory Board Meeting in the Placer County Museum Gallery in the Gold Country Museum. Contact (530) 889-6500.
- Apr 18th, 6:30 pm** Loomis Basin Historical Society Meeting at the Loomis Library. Contact (916) 652-7844.
- Apr 26th, 6:30 pm** Placer County Genealogy Society General Meeting in the Beecher Room at the Placer County Library. Contact (530) 887-2646.

Placer County Museums
101 Maple Street
Auburn, CA 95603

